

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FELTON L. MATTHEWS, JR.,

Plaintiff,

vs.

D. AMBRIDGE, *et al.*,

Defendants.

Case No. 2:12-cv-01004-PMP-CWH

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File a Motion for Sanctions (#89), filed May 13, 2013; Defendants' Response (#90), filed May 30, 2013; and Plaintiff's Reply (#91), filed June 7, 2013.

This motion continues Plaintiff's trend of setting forth rambling and scattered discourse consisting primarily of rhetorical questions in place of argument. *Matthews v. Ambridge*, 2012 WL 6589264 *9 (D. Nev.). Plaintiff appears to request that the Court enter sanctions against Defendants and defense counsel pursuant to Fed. R. Civ. P. 11. Generally, a court may sanction parties through three avenues: (1) Fed. R. Civ. P. 11, which applies to signed writings filed with the court, (2) 18 U.S.C. § 1927, which is aimed at penalizing conduct that unreasonably and vexatiously multiplies the proceedings, and (3) the court's inherent power. *E.g.*, *Fink v. Gomez*, 239 F.3d 989, 991 (9th Cir. 2001). Plaintiff points to no writing filed by Defendants or defense counsel for which Rule 11 sanctions would be appropriate. Further, Plaintiff has not provided points and authorities that would support entering sanctions under section 1927 or the Court's inherent authority. *See* Local Rule (LR) 7-2(d) ("The failure of a moving party to file points and authorities in support of a motion shall constitute a consent to the denial of the motion."). To the extent Plaintiff seeks an order for sanctions

1 under Fed. R. Civ. P. 16(f), the request fails for similar defects.

2 As this Court previously noted, Plaintiff has an “extensive history of frivolous and vexatious
3 filings in the state and federal courts” that will not be permitted to continue. *Ambridge*, 2012 WL
4 6589264 at *11. Plaintiff was previously put on notice that the further filing of frivolous or vexatious
5 papers in this matter would not be tolerated. This motion comes perilously close to crossing that line.
6 Plaintiff has simply set forth a repetitive list of perceived wrongs and *ad hominem* attacks devoid of
7 any factual support. Even so, the undersigned declines, at this point, to enter an order to show cause
8 based on this filing.

9 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Leave to File a Motion for Sanctions
10 (#89) is **denied**.

11 DATED: June 11, 2013.

12
13
14 
15 C.W. Hoffman, Jr.
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28